



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,483	12/20/2001	James Beriker	63030.800US01	5460

7590 03/31/2005

Anna M. Vradenburgh
Brull, Piccionelli, Sarno, Brann & Vradenburgh
Eighteenth Floor
1901 Avenue of the Stars
Los Angeles, CA 90067

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,483	BERIKER, JAMES	
	Examiner	Art Unit	
	Stephan F Willett	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/25/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBrearty with Patent Number 6,823,491 in view of Ciarlante et al. with Patent Number 6,594,819.
1. Regarding claim(s) 1, 5, McBrearty teaches a cite referral engine. McBrearty teaches a traffic management parameter as "key words", col. 5, lines 2-4. McBrearty teaches a search referral module that analyzes the user's search request or URL, col. 4, lines 61-64. McBrearty teaches the referral mode routes traffic to the designated location, col. 5, lines 12-14. McBrearty teaches the invention in the above claim(s) except for explicitly teaching establishing an account for a referral provider with a name ID and password. In that McBrearty operates refer a specific cite, the artisan would have looked to the network referral arts for details of implementing an account for a referrer. In that art, Ciarlante, a related network application hosting system, teaches "an application must register and establish an account to pay for use of the hosted application", col. 3-4, lines 67-2 in order to take advantage of the service provided. Ciarlante specifically teaches that "in which the hosting system is an ISP ... accounts with the ISP ... account identifier ... user name ... password", col. 9, lines 18-26. Further, Ciarlante suggests the

user "chooses or specifies a URL", col. 9, line 15 will result from implementing his service and accounts. The motivation to incorporate account information insures that the service provider receives remuneration. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the account information as taught in Ciarlante into the referral system described in the McBrearty patent because McBrearty operates with hosting accounts and Ciarlante suggests that an account would be used for billing referrals. Therefore, by the above rational, the above claim(s) are rejected.

2. Regarding claim(s) 2, McBrearty teaches management parameters comprise designated target location as a site specific URL and key search terms col. 5, lines 1-4.

3. Regarding claim(s) 3, McBrearty the referral mode routes traffic to the designated location, col. 5, lines 12-14.

4. Regarding claim(s) 4, McBrearty teaches the search request comprises a set of user defined terms, col. 4, lines 6-10 and the referral module compares the search terms with predefined key terms, col. 5, lines 2-6.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Rolland reference with Patent Number 6,625,594 is suggested. The other references cited teach numerous other ways to index data by subject to preference searches by referring providers, thus a close review of them is suggested.

Art Unit: 2142

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

A handwritten signature in black ink, appearing to read "Steve Willett", is positioned above the printed name.

Stephan Willett

Patent Examiner

March 25, 2005